

REMARKS

This is a response to the Office action of September 15, 2004. Claims 1 – 18 are pending in the application. Claims 1, 2, 4, 6 and 15 – 18 were rejected under 35 U.S.C. 102(b) as being anticipated by Frank. The applicant amended Claims 1, 2, 15 and 16 to better point out the difference between the cited prior art and the mounting assembly of the instant invention.

It is well established that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP 2131.

Frank discloses a washboard holder that has a connector with an eyelet 6 on one end, a curved middle portion and a second end which engages within a supporting stud 8 of the suction cup 3. The applicant amended Claims 1 and 15 to specifically recite that the connector member of the instant invention is configured to frictionally engage within a tubular connector of the discharge nozzle. This feature is further emphasized in the amendment of Claims 2 and 16. Such structure is not shown in Frank. Instead, Frank shows an eyelet 6, which engages a screw 10.

Claim 4 is believed to be independently patentable since Frank fails to disclose provision of the reduced diameter neck portion connecting the dome-shaped cup to the top knob. Frank's suction cup 3 is comprised of a flange 7, the dome-shaped cup portion 3 and the cylindrically-

shaped supporting stud 8. There is no reduced diameter neck portion in the design of Frank. In the instant invention, the hook-shaped portion of the connector engages the neck, while the knob prevents the connector from disengaging from the knob. New Claim 19 further stresses this feature.

As a result, it is believed that Claims 1, 2, 4, 6, and 15 – 19 are allowable.

Claims 3, 7, and 8 were rejected under 35 U.S.C 103(a) as being unpatentable over Frank. It is the Examiner's position that the angle of the extension of the connector member and the dimensions are "obvious matter of engineering choice." The applicant respectfully traverses this rejection and submits that very few elements in a medical device or accessory are dictated by "obvious matter of engineering choice." The same is true with particular dimensions of a medical device accessory. When dealing with medical devices, certain unavoidable restrictions are placed on the sizes (often dictated by relation to a human body) and angles (also dictated by relation to human body and patient's comfort). Nevertheless, Claims 3, 7, and 8 are believed allowable as being dependent on the now believed allowable Claim 1.

Claims 5 and 9 – 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Frank in view of Thorne et al. The applicant incorporates the discussion of Frank presented above. Thorne et al was shown as allegedly showing a suction cup with a knob portion and a connector with a hook portion. Thorne et al show a window mounted ornament. A suction cup 11 has a tubular cylindrically-shaped boss 15. A hook 19 of the ornament 21 helps suspend the ornament on the boss. 15. The tubular boss 15 of Thorne et al is similar in configuration to the cylindrical stud 8 of Frank. These features are different from the suction cup of the instant

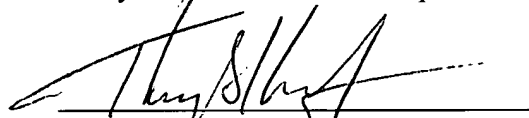
invention, where the reduced diameter neck portion facilitates retaining of the hook-shaped end of the connector member on the suction cup, thereby ensuring the firm engagement of the connector member to the suction cup.

It is respectfully submitted that neither the primary nor the secondary reference show, teach, disclose or suggest such a feature and no fair combination of the cited references would produce such feature.

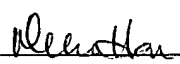
In view of the above, it is believed that Claims 1 – 19 are in condition for allowance and issuance of an early Notice of Allowance is respectfully requested. Should the Examiner feel that a telephone conference would advance resolution of any issues remaining in the case, he is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

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